



November 18, 2015 at 9:00 AM

Conference Call 1-605-562-3000 Access Code 337546#

Physical location – 432 E Washington St, West Bend WI 53095

<http://www.ercwis.wi.gov>

Agenda

1. Call to Order: 9:03 A.M.
2. Participants via conference call: Sharon Martin, Staci Hoffman, Jodi Helgeson, Tyson Fettes, Mike McDonnell, John Wilcox
3. Recognition of public attendees – Mike Lenz, Fairway Independent Mortgage Corp. Madison
4. Approval of June 30, 2015 meeting minutes: Motion by Jodi Helgeson, second by Mike McDonnell, motion carries
5. Announcements that may relate to electronic recording:
 - a) Public input – Mike Lenz inquired about the makeup of the council. Sharon Martin explained the Governor appoints the following members for three year terms: four register of deeds, one representative of the title industry, one representative of the bankers industry, one member who represents attorneys who practice real property law. Martin explained the appointment is in effect until a replacement has been named. The meetings are generally held via conference call about three times per year.
6. Council Appointment updates:
 - a) John Wilcox appointment (term expired 7/1/2013) – The council is waiting to hear back from the Governor's appointments staff, Wilcox resubmitted paperwork 2 weeks ago. Tyson Fettes has confirmed they have received the paperwork.
 - b) Mortgage Banker - Mike Lenz, Fairway Independent Mortgage Corp. Madison has applied for this open position.
 - c) Contact Elizabeth for reappointment – Elizabeth.hizmi@wi.gov
7. New Trusted Submitter Agreement:
 - a. West Central Indexing has submitted a trusted submitter agreement with the council; they are a land records software vendor and understand the agreement is for eRecording vendors; however, there are two other land records vendors, TriMin and Fidlar, which are considered trusted submitters and they would like that same courtesy.
 - b. A motion to approve West Central Indexing as a trusted submitter in Wisconsin was made by Jodi Helgeson, second by John Wilcox, discussion: Helgeson inquired what the criteria is for approval and wondered if there was a checklist, the council does not currently have such a checklist. Staci Hoffman explained that she did research the company and found they were an established, reputable company doing business in Minnesota and are seeking to do business in Wisconsin. The council decided we should make a checklist which we will discuss at the next meeting - motion carries.
 - c. Martin will notify West Central Indexing.

46 8. Electronic Notaries update:

- 47 a. Jodi Helgeson has attempted to contact Nancy from DFI but has not received any return
48 correspondence. In the past Nancy, indicated she had concerns about electronic notary law in
49 Wisconsin; their office has not addressed this issue. Helgeson will reach out to DFI again.
50 b. Sharon Martin informed the council that at the fall PRIA conference, Marc Aronson would like to
51 see Wisconsin DFI to move forward with updating their notary laws.
52 c. Staci Hoffman reminded the council that we have adopted URPRA federal law which allows for
53 electronic notary. WI notary laws must be addressed, Hoffman will ask AG for legal opinion if
54 needed.
55

56 9. Electronic courtesy note update:

- 57 a. Should register of deeds offices send courtesy notices to the submitter when an issue is
58 discovered after accepting a document for recording? Is there any liability to the register of
59 deeds if they send a note back nine times in a row and on the tenth time they do not, then the
60 tenth document is the one they have to take to court?
61 b. Sharon Martin explained this was discussed at last WERC meeting and then discussed at the
62 WRDA fall conference. Lisa Petersen, WLIA, suggested at the WRDA conference there may be
63 some liability on the register of deeds part so we should be careful on returning courtesy notices.
64 WRDA requested the Joint Alpha committee to look into this. Mike McDonnell recommended we
65 treat electronic recording the same as paper recording courtesy notes. From the title side, it is
66 convenient and they appreciate the courtesy, but the title company is charged with making sure
67 the legal description and size are accurate, it closes and has access; errors are not the register of
68 deeds responsibility.
69 c. Washington County's corporation council recommends they do not send courtesy notices.
70 d. Staci Hoffman mentioned that Simplifile, ePN and CSC vendors have indicated they can put an
71 electronic courtesy notice into the system, but they won't spend time on it if we shouldn't be
72 doing this.
73 e. John Wilcox, Mike McDonnell and Mike Lenz will ask their respective associations if this is an issue
74 we should address; should we continue to send courtesy notices or stop this practice.
75

76 10. Return to name and address update:

- 77 a. Statute update: should the WERC propose legislation to update the statute 59.43(1)(g) to clarify
78 the "return to the party entitled thereto" and address what it means when returned to the
79 electronic submitter?
80 b. Most county endorsement stamps indicate that the document has been electronically submitted
81 and returned to the eRecording submitter. However, the document may indicate in the "return
82 to" box a different party.
83 c. Mike McDonnell indicated that many counties have an understanding that if a title company
84 dropped off the documents then the title company gets them back even if the return to address is
85 someone else.
86 d. Staci Hoffman and Sharon Martin will work with the legislative reference bureau for clarification
87 of this statute. Sharon Martin also submitted a written request to her county attorney's office.
88

89 11. Batch of documents vs rejection:

- 90 a. Several counties have asked WIERC to revisit statute 59.43(1g) after Lisa Petersen, WLIA, spoke at
91 the WRDA conference. She indicated TRID has necessitated the requirement to have documents
92 recorded as soon as possible because we are a race to record state. Petersen indicated that if we
93 received a batch of documents and one of the documents couldn't be recorded but the rest of

94 them could, they would prefer to have all possible documents recorded and only the un-
95 recordable one rejected.

- 96 b. Mike McDonnell indicated that in the late 70's and early 80's it was common to record the
97 mortgage before the deed.
- 98 c. Land Records and eRecording vendors may need to make adjustments to their system to allow for
99 this, we will also need to find a way to refund money if necessary. Sharon Martin will contact the
100 vendors to see if their software allows for this process. Wisconsin Statute currently allows RODs
101 to reject partial batches. Final recommendation will be discussed at next meeting.

102 **59.43(1g) AUTHORITY TO REJECT ENTIRE GROUP OF RELATED DOCUMENTS.**

103 *If the register of deeds is presented with a group of related documents that has been identified by*
104 *the person submitting the documents by any reasonable method as representing a single transaction*
105 *and one or more documents within the group may not be recorded because of a failure to comply*
106 *with any provision of sub. (2m), the register of deeds may return the entire group of documents*
107 *unrecorded.*
108

109 12. Other announcements related to Electronic Recording

- 110 a. WisDOT has signed an agreement with Simplifile to offer eRecording of transportation plats and
111 other documents.
- 112 b. Jackie Eisch, WisDOT, has asked for the following document types to be added to all Wisconsin
113 Counties:
- 114 RESCISSION OF TRANS 233 RESTRICTIONS
115 FINDING, DETERMINATION, AND ORDER
116 NOTICE OF NONACCESS HIGHWAY
117 NOTICE AND ORDER ESTABLISHING LOCATIONS AND RIGHT-OF-WAY WIDTHS
118 DESIGNATED FREEWAY MAP
119 FINDING, DETERMINATION, AND DECLARATION
120 ACCESS COVENANT (PERMIT)
121 NOTICE OF NONACCESS TO OR ACROSS A CONTROLLED-ACCESS HIGHWAY
122 CONTROLLED-ACCESS HIGHWAY AUTHORIZATION
123 REVOCATION OF AUTHORIZATION FOR ACCESS TO OR ACROSS A CONTROLLED-ACCESS HIGHWAY
124 RESOLUTION AGREEING TO CONTROL OF ACCESS ALONG LOCAL STREET OR HIGHWAY
125 TPP – TRANSPORTATION PLAT
- 126 c. Most document types already exist in the systems as an order, notice, permit, revocation,
127 resolution, tpp, or misc.; the counties would use the appropriate code that is already available
128 within their system. The counties do not want to add more document codes to their system.
129 Mike McDonnell indicated they do not search for specific codes; they search for any DOT
130 documents. Staci Hoffman will contact Jackie Eisch and explain the codes that would be
131 appropriate.

132 11. Next meeting date, time and location

- 133 a. Sharon Martin indicated a desire to meet quarterly.
- 134 b. The next meeting is scheduled for January 20, 2015 at 9:00 A.M. via conference call
135

136 12. Motion to adjourn at 10:23 A.M

137 13. Respectfully submitted,

138 14. Staci Hoffman, Jefferson County ROD, WERC secretary